

March 25, 2022

Via ECF

The Honorable Judge Kiyo A. Matsumoto
United States District Court—E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Windward Bora LLC v. Brown, 1:21-cv-03147-KAM-RER

Dear Judge Matsumoto:

We represent Plaintiff Windward Bora LLC (“Plaintiff”) in the above-referenced action. Please accept this submission in response to Your Honor’s Order to Show Cause entered on today’s date. We sincerely apologize to the Court, as it would never be our intention to improperly expend judicial resources.

Yesterday, after receiving the Order granting Plaintiff’s Motion, we reviewed our records and discovered that our bankruptcy department was notified of the filing on October 14, 2021. Our bankruptcy department has advised that Plaintiff has not yet attempted to lift the stay resulting from the filing because Defendant has been making post-petition payments. Should the Defendant become post-petition delinquent, Plaintiff can proceed with filing a Motion to vacate the stay.

It has always been our firm’s policy and practice to immediately advise the Court upon a Bankruptcy filing wherein a stay is in effect. Unfortunately, due to several factors, including Defendant’s prior 2020 Bankruptcy filing, which may have prevented a stay, and staffing reductions in our firm as a result of Covid, there was a miscommunication between departments in our office, which resulted in our failure to timely advise the Court of the Bankruptcy proceedings. As soon as we received Your Honor’s Order granting Plaintiff’s Motion and recognized that the Bankruptcy was still open, we sought to have the Order vacated.

**WE ARE A DEBT COLLECTOR AND ARE ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

I am regretful of this error and will ensure that it does not happen again. We thank the Court for its review of our submission.

Respectfully,

/s/ Alan H. Weinreb

Alan H. Weinreb

Attorneys for Plaintiff